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CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

LARSON MANUFACTURING
COMPANY OF SOUTH DAKOTA, INC.,

CIV 03-4244

Plaintiff,

-vs-

MEMORANDUM OPINION
AND ORDER

ALUMINART PRODUCTS LIMITED, a
Canadian company; and CHAMBERDOOR
INDUSTRIES, INC., a Delaware
Corporation,

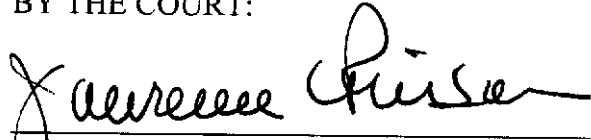
Defendants.

Pending before the Court is Defendants' Motion for the Court to Take Judicial Notice, Doc. 170. Plaintiff has not resisted Defendants' motion. The Court will take judicial notice of the file histories from the United States Patent and Trademark Office, the Code of Federal Regulations and the Manual of Patent Examining Procedure attached to Defendants' Notice of Filing Documents for Judicial Notice, Doc. 204. *See* FED.R.EVID. 201; *Vitek Sys., Inc. v. Abbott Lab.*, 675 F.2d 190, 192 n. 4 (8th Cir. 1982) (judicial notice may be taken of Patent and Trademark Office documents); *Crimm v. Missouri Pacific R.R. Co.*, 750 F.2d 703, 709-10 (8th Cir. 1984) (judicial notice may be taken of the Federal Register and the Code of Federal Regulations); *Molins PLC v. Textron, Inc.*, 48 F.3d 1172, 1180 n. 10 (Fed. Cir. 1995) (the Manual of Patent Examining Procedure "is entitled to judicial notice as an official interpretation of statutes or regulations as long as it is not in conflict therewith). Accordingly,

IT IS ORDERED that Defendants' Motion for the Court to Take Judicial Notice, Doc. 170, is granted. Judicial Notice is taken of the file histories from the United States Patent and Trademark Office, Code of Federal Regulations and the Manual of Patent Examining Procedure attached to Defendants' Notice of Filing Documents for Judicial Notice, Doc. 204.

Dated this 5th day of July, 2007.

BY THE COURT:



Lawrence L. Piersol
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

By: Joe Peters, Deputy
(SEAL)